

1 BILL NO. S-87-02-18 (as amended) (as amended) (as amended)
2 (as amended)

SPECIAL ORDINANCE NO. S- 46-87

3 AN ORDINANCE REPEALING CHAPTER 7
4 OF THE MUNICIPAL CODE OF THE CITY OF FORT WAYNE, INDIANA: AND,
5 FURTHER, AMENDING THE MUNICIPAL CODE BY ADDING A NEW ARTICLE I
6 CHAPTER 7, ENTITLED MESSAGE AND NUDE MODELING.

7 WHEREAS, the Massage Parlor Ordinance of the City of Fort
8 Wayne needs amending to add nude modeling studios within the
9 coverage of said ordinance; and

10 WHEREAS, the Massage Parlor Ordinance of the City of Fort
11 Wayne needs amending to strengthen certain provisions of said ordi-
12 nance; and

13 WHEREAS, said amendments to the Massage Parlor Ordinance
14 will better enable the City to regulate massage parlors.

15 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE
16 CITY OF FORT WAYNE, INDIANA:

17 SECTION 1. Repeal. That Chapter 7 of the Municipal Code
18 of the City of Fort Wayne, Indiana, is hereby repealed.

19 SECTION 2. Amendment. That the Municipal Code of the City
20 of Fort Wayne, Indiana, is hereby amended by adding a new Article I
21 of Chapter 7, which new article consists of the following language:

22 ARTICLE I. MESSAGE AND NUDE MODELING

23 Sec. 7-1. Definitions.

24 For the purposes of this article, the following words and phra-
25 ses shall have the meanings respectively ascribed to them by this
26 section.

27 (a) Employee. Any person who renders any service in connection
28 with the operation of a massage or nude modeling business
29 and receives compensation from the operator of the business
30 or patrons.

31 (b) Nude Model. Any person who, for any consideration what-
32

soever, engages in nude modeling.

(c) Nude Modeling. The exposing by any person of his or her sexual and/or genital areas. However, nude modeling at or on behalf of any properly accredited institution of higher learning shall not fall within this definition.

(d) Nude Modeling Establishment. Any establishment having a source of income or compensation derived from the practice of nude modeling. A nude modeling establishment includes any establishment which could come under the above description, whether the establishment is called a nude modeling and conversation studio, massage parlor, health club, book store or any other name. However, any properly accredited institution of higher learning shall not fall within this definition.

(e) Massage. Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the human body with the hands or with any portion of the body or with the aid of any mechanical, electrical or other apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefor. Massage shall also mean the giving, receiving, or administering of a bath to any person, or the application of body paint or other colorant to any person.

(f) Massage Establishment. Any establishment having a source of income or compensation derived from the practice of

1 message, as defined in subsection (e), and which has a
2 fixed place of business where any person, firm, asso-
3 ciation, or corporation engages in or carries on any of the
4 activities as defined in subsection (e). A massage
5 establishment includes any establishment which would come
6 under the above description, whether the establishment is
7 called a nude modeling and conversation studio, massage
8 parlor, health club, book store or by any other name.

9 (g) Massagist. Any person who, for any consideration what-
10 soever, engages in the practice of massage, as defined in
11 subsection (e).

12 (h) Patron. Any person who receives a massage or uses the ser-
13 vices of a nude model under such circumstances that it is
14 reasonably expected that such person will pay money or give
15 other consideration therefor.

16 (i) Person. Any individual, partnership, firm, association,
17 joint stock company, corporation or combination of indivi-
18 duals of whatever form or character.

19 (j) Sexual or genital area. Genitals, pubic area, buttocks,
20 anus, or perineum of any person, or the vulva or breasts of
21 a female.

22 (k) Body work practitioner. Any person who:

- 23 1. Submits a certificate by a licensed physician,
24 chiropractor, or osteopath who practices in Allen
25 County, Indiana, that the person is competent and effi-
26 cient as a body work practitioner; or
- 27 2. Who holds a diploma or other certificate of graduation
28 from a recognized school of massage.

29 (1) Recognized school of massage. Any properly accredited
30 school or institution of learning which has for its purpose
31 the teaching of the theory, ethics, practice, method, pro-
32 fession or work of massage technician and has a program

which requires a resident course of study of not less than one thousand (1,000) hours to be given in not less than six (6) calendar months before the student shall be furnished with a diploma or certificate of graduation from such school or institution of learning showing the successful completion of said course. Schools offering a correspondence course not requiring actual attendance at class shall not be deemed a recognized school.

Sec. 7-2. Establishment license required.

It shall be unlawful for any person to engage in or carry out the business of massage or nude modeling unless that person has a valid establishment license issued by the City pursuant to the provisions of this article for each and every separate office or place of business conducted by such person. A person who has a communicable or infectious disease shall not work in any establishment licensed under this article.

Sec. 7-3. Exemptions.

This article shall not apply to the following establishments.

- (a) Hospitals, nursing homes, sanitariums or other health care facilities licensed under the State of Indiana.
- (b) Barbershops and beauty parlors, licensed under the laws of the State of Indiana, and/or employing licensed barbers or beauty culturists, provided that such massage as is practiced is limited to the head and scalp of the customer or client.
- (c) Accredited schools and colleges and not-for-profit corporations organized for educational, literary, scientific, religious or charitable purposes that are exempt from federal taxation under the Internal Revenue Code, and any organization that exclusively provides models for said schools, colleges and not-for-profit corporations.

1 (d) Establishments holding permits issued pursuant to the
2 alcoholic beverage laws of the State of Indiana.

3 (e) Establishments owned and operated by body work prac-
4 titioners and which employ only body work practitioners
5 as massagists.

6 Sec. 7-4. Application for establishment license.

7 Every applicant for an establishment license shall file an
8 application under oath with the City of Fort Wayne upon a form pro-
9 vided by the city controller and pay a nonrefundable annual license
10 fee, which shall be five hundred dollars (\$500.00) per year. Copies
11 of the application shall, within five (5) days, be referred to the
12 zoning department, the Department of Safe Housing and Building
13 Standards, the city/county board of health, and the fire department.
14 The departments shall within thirty (30) days after receipt of the
15 application inspect the premises proposed to be operated as a
16 massage or nude modeling establishment, and shall make written veri-
17 fication to the city controller concerning compliance with the codes
18 of the City of Fort Wayne that they administer. The application
19 shall further be referred to the police department for investigation
20 of the applicant's character and qualifications. Each application
21 shall contain the following information:

22 (a) A definition of service to be provided.

23 (b) The location, mailing address and all telephone numbers
24 where the business is to be conducted.

25 (c) The name and residence address of each applicant

26 (hereinafter all provisions which refer to applicant

27 include an applicant which may be a corporation or
28 partnership):

29 (1) If applicant is a corporation, the names and residence
30 addresses of each of the officers and directors of said
31 corporation and each stockholder owning more than ten
32 (10) per cent of the stock of the corporation, and the

1 address of the corporation itself, if different from
2 the address of the massage or nude modeling establishment
3 (2) If applicant is a partnership, the names and residence
4 addresses of each of the partners including limited
5 partners, and the address of the partnership itself, if
6 different from the address of the massage or nude
7 modeling establishment.

8 (d) The two (2) previous addresses immediately prior to the
9 present address of the applicant.

10 (e) Proof that the applicant is at least twenty-one (21) years
11 of age.

12 (f) Individual or partnership applicant's height, weight, color
13 of eyes and hair, and sex.

14 (g) Copy of identification such as driver's license and social
15 security card.

16 (h) Two color portrait photographs of the applicant at least
17 three (3) inches by (3) inches. If the applicant is a cor-
18 poration, two color portrait photographs at least three (3)
19 inches by three (3) inches of all officers and managing
20 agents of said corporation. If the applicant is a part-
21 nership, two color portrait photographs at least three (3)
22 inches by (3) inches in size of each partner, including a
23 limited partner in said partnership.

24 (i) Business, occupation or employment of the applicant for the
25 three (3) years immediately preceding the date of
26 application.

27 (j) The massage, nude modeling or similar business license
28 history of the applicant; whether such person, in pre-
29 viously operating in this or another city or state has had
30 a business license revoked or suspended in the last five
31 (5) years, the reason therefor, and the business activity
32 or occupation subsequent to such action of suspension or

1 revocation.

2 (k) All criminal convictions of applicant for the last five (5)
3 years (or in the case of a partnership, each partner, or in
4 the case of a corporation its manager, officers, directors,
5 and shareholders owing more than ten (10) per cent of the
6 stock of the corporation), other than misdemeanor traffic
7 violations, but including all violations of this article,
8 with the dates of convictions, nature of the crimes and
9 place convicted.

10 (1) The name and address of any massage or nude modeling busi-
11 ness or other establishment owned or operated by any person
12 whose name is required to be given in subsection (c)
13 wherein the business or profession of massage or nude
14 modeling is carried on.

15 (m) A description of any other business to be operated on the
16 same premises and a description of any other business to be
17 operated on adjoining premises, owned or controlled by the
18 applicant.

19 (n) A list of all employees of the establishment, including all
20 massagists, nude models and any and all other employees,
21 with the address, social security number, date of birth,
22 next of kin, and two color portrait photographs at least
23 three (3) inches by three (3) inches of each and every
24 employee.

25 (o) Authorization for the city, its agents and employees to
26 seek information and conduct an investigation into the
27 truth of the statements set forth in the application and
28 the qualifications of the applicant for the permit.

29 Upon the completion of the above provided form and the furnishing of
30 all foregoing information and fees, the city controller shall accept
31 the application for the necessary investigations. The holder of an
32 establishment license shall notify the city controller and the Fort

1 upon the person of another that amounts to a
2 Wayne Police Department of each change in any of the data required
3 to be furnished by this section within ten (10) days after such
4 change occurs.

5 (2) An offense involving sexual misconduct, which
6 Sec. 7-5. Issuance of licenses.

7 (a) Approval or denial of application. The city controller
8 shall act to approve or deny an application for a license under this
9 article within a reasonable period of time, and in no event later
10 than ninety (90) days from the date that said application was
11 accepted by the city controller.

12 (b) License must be issued. The city controller must issue a
13 license unless the controller finds good cause for denying the
14 license. Good cause for license denial shall be all of the reasons
15 listed in Sec. 7-6.

16 Sec. 7-6. Cause for denial, revocation or suspension of license.

17 The city controller may deny, revoke, or suspend an
18 establishment license for the following reasons:

19 (a) The correct license fee has not been tendered to the
20 applicant is a partnership; and the manager or other
21 city.

22 (b) The applicant for, or holder of, a license, if an indi-
23 vidual; or any of the stockholders holding more than

24 (c) The application was not completely filled out or the
25 ten (10) per cent of the stock of the corporation, any
26 application was not correctly filled out.

27 (d) The establishment would not comply with all applicable
28 laws, including but not limited to, the city's
29 partners, including limited partners, if the applicant or
30 building, zoning, and health regulations, and with this
31 license holder is a partnership; or the manager or any
32 article.

33 (e) Any person has committed, on the premises of the
34 nude modeling establishment, has been convicted of any
35 establishment, an act that would constitute prostitu-
36 of the following offenses or convicted of an offense
37 pursuant to the laws of the State of Indiana, or
38 without the State of Indiana that would have consti-
39 tuted any of the following offenses if committed within
40 the State of Indiana, in the past five (5) years:

41 (1) An offense involving the use of force or violence

1 upon the person of another that amounts to a
2 felony pursuant to the laws of the State of
3 Indiana.

4 (2) An offense involving sexual misconduct, which
5 constitutes a felony or misdemeanor under the laws
6 of the State of Indiana.

7 (c) The applicant for or holder of a license has knowingly
8 made any false, misleading, or fraudulent statement of
9 fact in the license application, or in any document
10 required by the City in connection with this article.

11 (d) The applicant or license holder has had an establish-
12 ment, massagist, or other similar permit or license
13 denied, revoked, or suspended by the city or any other
14 state or local agency within the past five (5) years.

15 (e) The applicant, if an individual, or any of the officers
16 and directors, if the applicant is a corporation; or
17 any of the partners, including limited partners, if the
18 applicant is a partnership; and the manager or other
19 person principally in charge of the operation of the
20 business, is not over the age of twenty-one (21) years.

21 (f) The application was not completely filled out or the
22 application was not correctly filled out.

23 (g) The establishment would not comply with all applicable
24 laws, including but not limited to, the city's
25 building, zoning, and health regulations, and with this
26 article.

27 (h) Any person has committed, on the premises of the
28 establishment, an act that would constitute prostitu-
29 tion pursuant to the laws of the State of Indiana, or
30 any offense involving narcotics, dangerous drugs, or
31 gambling, whether or not such person has been convicted
32 of such prostitution, narcotics, dangerous drugs or

1 gambling offense under the laws of the State of
2 Indiana.

3 (i) The establishment or any employee of the establishment
4 has not complied with the provisions of this article.
5 Sec. 7-7. Hearings and appeals.

6 (a) Denial of license. Upon the determination by the city
7 controller that a license applied for ought not be issued, a notice
8 shall be sent to the applicant by certified mail stating the reason
9 for the denial, and advising the applicant of the right to a
10 hearing to appeal the denial and the right to correct any defect in
11 the application or premises.

12 (b) Hearing on denial of license. When a hearing is requested
13 by an applicant on denial of a license, not less than ten (10) days
14 written notice of such hearing shall be given to the applicant,
15 which notice shall designate the time and place where the hearing
16 will be held.

17 (c) Revocation or suspension of license. Any license issued
18 under this article may be revoked or suspended by the city
19 controller for the causes listed in this article after notice and
20 hearing.

21 (d) Hearing on revocation or suspension. When a hearing is
22 set by the city controller in a revocation or suspension procedure,
23 the licensee shall receive not less than twenty (20) days written
24 notice, which notice shall contain the charges made, as well as
25 time and place where the hearing will be held.

26 (e) Rights granted. At a hearing conducted pursuant to this
27 article, the applicant or licensee shall have the right to be repre-
28 sented by counsel, to present witnesses, to testify and cross-examine
29 any other witnesses, and to subpoena witnesses. Proceedings shall
30 be conducted under oath.

31 (f) Controller presides. The city controller shall preside at
32 the hearing and shall make the final determination.

1 (g) Adverse decision. If any decision adverse to the appli-
2 cant or licensee is made by the city controller after a hearing as
3 provided above, the city controller shall provide the applicant or
4 licensee with a written reason for such decision, as well as a
5 notice of the applicant's or licensee's right to appeal to the
6 courts of the State of Indiana.

7 Sec. 7-8. License location.

8 (a) Display required. All establishments, licensed under this
9 article, shall display their licenses in a visible location in the
10 establishment for which the license was issued.

11 (b) Annual term. Licenses shall be granted for an initial
12 term ending May 31, next following the issuance of the license,
13 unless sooner suspended or revoked. Such license must be renewed
14 annually, and any renewal shall be for a term of one year from June 1
15 to May 31.

16 Sec. 7-9. Transfer of license.

17 A licensed establishment may be moved to another location pro-
18 viding:

19 (a) The location meets all the requirements of this
20 article; and

21 (b) The city controller is notified in writing a minimum of
22 thirty (30) days in advance of the move.

23 Sec. 7-10. Facilities necessary.

24 No license to operate a massage or nude modeling establishment
25 shall be issued unless an inspection by the City of Fort Wayne
26 reveals that the establishment complies with each of the following
27 minimum requirements:

28 (a) Construction of rooms used for toilets, tubs, steam baths
29 and showers shall be made waterproof with approved
30 waterproofed materials, and shall be installed in accor-
31 dance with the City of Fort Wayne Building Code. Plumbing
32 fixtures shall be installed in accordance with the city

1 plumbing code.

2 (1) Steam rooms and shower compartments shall have
3 waterproof floors, walls and ceilings approved by the
4 City of Fort Wayne.

5 (2) Floors of wet and dry heat rooms shall be adequately
6 pitched to one or more floor drains properly connected
7 to the sewer. (Exception: Dry heat rooms with wooden
8 floors need not be provided with pitched floors and
9 floor drains).

10 (3) A source of hot water must be available within the
11 immediate vicinity of dry and wet heat rooms to facili-
12 tate cleaning.

13 (b) The premises shall have adequate equipment for disinfecting
14 and sterilizing nondisposable instruments and materials
15 used in administering massages. Such non-disposable
16 instruments and materials shall be disinfected after use on
17 each patron.

18 (c) Closed cabinets shall be provided and used for the storage
19 of clean linen, towels and other materials used in connec-
20 tion with administering massages. All soiled linens,
21 towels and other materials shall be kept in properly
22 covered containers or cabinets, which containers or cabi-
23 nets shall be kept separate from the clean storage areas.

24 (d) Toilet facilities shall be provided in convenient loca-
25 tions. When employees and patrons of different sexes are
26 on the premises at the same time, separate toilet facili-
27 ties shall be provided for each sex. A single water closet
28 per sex shall be provided for each twenty (20) or more
29 employees or patrons of that sex on the premises at any one
30 time. Urinals may be substituted for water closets after
31 one water closet has been provided. Toilets shall be
32 designated as to the sex accommodated therein.

1 (e) Lavatories or washbasins provided with both hot and cold
2 running water shall be installed in either the toilet room
3 or a vestibule. Lavatories or washbasins shall be provided
4 with soap and a dispenser and with sanitary towels.

5 (f) All electrical equipment shall be installed in accordance
6 with the requirements of the city Uniform Electrical Code.
7 Sec. 7-11. Operating requirements.

8 (a) Every portion of the massage or nude modeling establish-
9 ment, including appliances and apparatus, shall be kept clean and
10 operated in a sanitary condition.

11 (b) Price rates for all services shall be prominently posted in
12 the reception area in a location available to all prospective custo-
13 mers.

14 (c) All employees of massage establishments shall be clean,
15 and wear nontransparent outer garments, the use of which is
16 restricted to the massage establishment. A separate dressing room
17 for each sex must be available on the premises with individual
18 lockers for each employee. Doors to such dressing rooms shall open
19 inward and shall be self-closing.

20 (d) All massage establishments shall be provided with clean,
21 laundered sheets and towels in sufficient quantity, and shall be
22 laundered after each use thereof and stored in a sanitary manner.

23 (e) No massage or nude modeling establishment granted a license
24 under the provisions of this article shall place, publish, or
25 distribute or cause to be placed, published or distributed any
26 advertisement, picture, or statement which is known or through the
27 exercise of reasonable care should be known to be false, deceptive
28 or misleading in order to induce any person to purchase or utilize
29 any professional massage services.

30 Sec. 7-12. Persons under age twenty-one prohibited on premises.

31 No person shall permit any person under the age of twenty-one
32 (21) years to come to or remain on the premises of any massage or

1 nude modeling establishment, as massagist, employee, or patron.

2 Sec. 7-13. Hour.

3 No massage or nude modeling establishment shall be kept open
4 for any purpose between the hours of 10:00 p.m. and 8:00 a.m. and no
5 person shall allow a massage or nude modeling establishment to
6 remain open for any purpose between the hours of 10:00 p.m. and 8:00
7 a.m.

8 Sec. 7-14. Inspection required.

9 (a) It shall be the duty of the city controller through duly
10 authorized representatives to inspect massage and nude modeling
11 establishments from time to time to determine compliance with this
12 article.

13 (b) Inspections are to be made at reasonable times, with due
14 regard to the nature of the business to be inspected.

15 (c) Upon showing the proper credentials, the representatives of
16 the city controller, including police officers, shall be entitled to
17 inspect portions of the massage or nude modeling establishment open
18 to the public to determine compliance with this article.

19 Sec. 7-15. Unlawful acts.

20 (a) It shall be unlawful for any person, in a massage or nude
21 modeling establishment, to place his or her hand or hands upon, to
22 touch with any part of his or her body, to fondle in any manner, or
23 to massage, a sexual or genital part of any other person.

24 (b) It shall be unlawful for any person, in a massage
25 establishment, to expose his or her sexual or genital parts, or any
26 portion thereof, to any other person.

27 (c) It shall be unlawful for any person to allow the sexual or
28 genital parts of patrons of establishments required to be licensed
29 under this article to be exposed when in the presence of an
30 employee, massagist or nude model.

31 (d) It shall be unlawful for any person owning, operating or
32 managing a massage or nude modeling establishment to cause, allow or

1 permit on the premises of such establishment, any person to perform
2 such acts prohibited in subsections (a), (b), or (c) of this
3 section.

4 (e) It shall be unlawful for any massage service or nude
5 modeling to be carried on within any cubicle, room, booth, or area
6 within a massage or nude modeling establishment which is fitted with
7 a door capable of being locked.

8 (f) It shall be unlawful for any person to massage a person of
9 the opposite sex, except upon the signed prescription of a licensed
10 physician, osteopath, chiropractor, or registered physical therapist.

11 Sec. 7-16. Name and place of business.

12 No person granted a license pursuant to this article shall
13 operate the massage or nude modeling establishment under a name not
14 specified in his license, nor shall he conduct business under any
15 designation or location not specified in his license.

16 Sec. 7-17. Time limit for filing.

17 Applications for renewals of licenses must be filed not more
18 than sixty (60) days nor less than thirty (30) days prior to ter-
19 mination of an existing license.

20 Sec. 7-18. Violation and penalty.

21 (a) Any licensee under this article violating any provision
22 thereof shall be subject to license revocation or suspension pur-
23 suant to the provisions of this article.

24 (b) Any person who violates any provision of this article shall
25 be subject to a fine of not less than three hundred dollars
26 (\$300.00) and not more than one thousand dollars (\$1,000.00). Each
27 day such violation is committed or permitted to continue shall
28 constitute a separate violation.

29 Sec. 7-19. Maintaining public nuisance.

30 Any building used as a massage or nude modeling establishment
31 in violation of this article, with the actual or constructive
32 knowledge of the owner thereof, or of the agent of the owner

1 managing such building, together with all fixtures and other pro-
2 perty used in conjunction with the operation of said building, are
3 hereby declared to be a public nuisance.

4 SECTION 3. Severability. Should any section, paragraph,
5 sentence, clause or phrase of this ordinance be declared unconstitu-
6 tional or invalid for any reason, the remainder of said ordinance
7 shall not be affected thereby.

8 SECTION 4. Pending actions. This ordinance shall not be
9 construed or held to repeal any former ordinance as to any offense
10 committed against such former ordinance or as to any act done, any
11 penalty, forfeiture or punishment so incurred or any right accrued
12 or claim arising under the former ordinance.

13 SECTION 5. Current license holders.

14 All massage establishment licenses issued pursuant to any
15 repealed ordinance shall not expire until the normal expiration date
16 of May 31, 1987. Applications for license renewals shall be pur-
17 suant to this ordinance. New applicants shall comply with this
18 ordinance.

19 SECTION 6. This ordinance shall be in full force and
20 effect from and after its passage, any and all necessary approval by
21 the Mayor and legal publication thereof.

22 
23 COUNCILMEMBER

24 APPROVED AS TO FORM AND LEGALITY.

25 
26 Bruce O. Boxberger, City Attorney

27 Dated this 10 day of March, 1987

87-02-18
1 BILL NO. S-~~86-12-~~

2 SPECIAL ORDINANCE NO. S-_____

3 AN ORDINANCE REPEALING ARTICLE XI OF CHAPTER 7
4 OF THE MUNICIPAL CODE OF THE CITY OF FORT WAYNE, INDIANA,
5 MASSAGISTS AND MESSAGE ESTABLISHMENTS; AND, FURTHER,
6 AMENDING THE MUNICIPAL CODE BY ADDING A NEW ARTICLE XI
7 CHAPTER 7, ENTITLED MESSAGE AND NUDE MODELING.

8 WHEREAS, the Massage Parlor Ordinance of the City of Fort
9 Wayne needs amending to add nude modeling studios within the
10 coverage of said ordinance; and

11 WHEREAS, the Massage Parlor Ordinance of the City of Fort
12 Wayne needs amending to strengthen certain provisions of said ordi-
13 nance; and

14 WHEREAS, said amendments to the Massage Parlor Ordinance
15 will better enable the City to regulate massage parlors.

16 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE
17 CITY OF FORT WAYNE, INDIANA:

18 SECTION 1. Repeal. That Article XI of Chapter 7 of the
19 Municipal Code of the City of Fort Wayne, Indiana, Massagists and
20 Massage Establishments, including Sections 7-164 through 7-184 is
21 hereby repealed.

22 SECTION 2. Amendment. That the Municipal Code of the City
23 of Fort Wayne, Indiana, is hereby amended by adding a new Article XI
24 of Chapter 7, which new article consists of the following language:

25 ARTICLE XI. MESSAGE AND NUDE MODELING

26 Sec. 7-164. Definitions.

27 For the purposes of this article, the following words and phra-
28 ses shall have the meanings respectively ascribed to them by this
29 section.

30 (a) Employee. Any person who renders any service in connection
31 with the operation of a massage or nude modeling business
32 and receives compensation from the operator of the business
or patrons.

(b) Nude Model. Any person who, for any consideration what-

1 soever, engages in nude modeling.

2 (c) Nude Modeling. The exposing by any person of his or her
3 sexual and/or genital areas. However, nude modeling at or
4 on behalf of any properly accredited institution of higher
5 learning shall not fall within this definition.

6 (d) Nude Modeling Establishment. Any establishment having a
7 source of income or compensation derived from the practice
8 of nude modeling. A nude modeling establishment includes
9 any establishment which could come under the above descrip-
10 tion, whether the establishment is called a nude modeling
11 and conversation studio, massage parlor, health club, book
12 store or any other name. However, any properly accredited
13 institution of higher learning shall not fall within this
14 definition.

15 (e) Massage. Any method of pressure on or friction against, or
16 stroking, kneading, rubbing, tapping, pounding, vibrating,
17 or stimulating of the external parts of the human body with
18 the hands or with any portion of the body or with the aid
19 of any mechanical, electrical or other apparatus or
20 appliance, with or without such supplementary aids as
21 rubbing alcohol, liniments, antiseptics, oils, powder,
22 creams, lotions, ointment or other such similar prepara-
23 tions commonly used in the practice of massage, under such
24 circumstances that it is reasonably expected that the per-
25 son to whom the treatment is provided or some third person
26 on his or her behalf will pay money or give any other con-
27 sideration or any gratuity therefor. Massage shall also
28 mean the giving, receiving, or administering of a bath to
29 any person, or the application of body paint or other
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10 soever, engages in the practice of massage, as defined in
11 subsection (e).

12 (h) Patron. Any person who receives a massage or uses the ser-
13 vices of a nude model under such circumstances that it is
14 reasonably expected that such person will pay money or give
15 other consideration therefor.

16 (i) Person. Any individual, partnership, firm, association,
17 joint stock company, corporation or combination of indivi-
18 duals of whatever form or character.

19 (j) Sexual or genital area. Genitals, pubic area, buttocks,
20 anus, or perineum of any person, or the vulva or breasts of
21 a female.

22
23 Sec. 7-165. Establishment license required.

24 It shall be unlawful for any person to engage in or carry
25 out the business of massage or nude modeling unless that person has
26 a valid establishment license issued by the City pursuant to the
27 provisions of this article for each and every separate office or
28 place of business conducted by such person.

29 Sec. 7-166. Exemptions.

30 This article shall not apply to the following establishments

31 (a) Hospitals, nursing homes, sanitariums or other health
32 care facilities licensed under the State of Indiana.

1 (b) Barbershops and beauty parlors, licensed under the laws
2 of the State of Indiana, and/or employing licensed bar-
3 bers or beauty culturists, provided that such massage as
4 is practiced is limited to the head and scalp of the
5 customer or client.

6 (c) Accredited schools and colleges and not-for-profit cor-
7 porations organized for educational, literary, scien-
8 tific, religious or charitable purposes that are exempt
9 from federal taxation under the Internal Revenue Code,
10 and any organization that exclusively provides models
11 for said schools, colleges and not-for-profit cor-
12 porations.

13 (d) Establishments holding permits issued pursuant to the
14 alcoholic beverage laws of the State of Indiana.

15 Sec. 7-167. Application for establishment license.

16 Every applicant for an establishment license shall file an
17 application under oath with the City of Fort Wayne upon a form pro-
18 vided by the city controller and pay a nonrefundable annual license
19 fee, which shall be one hundred dollars (\$100.00) per year. Copies
20 of the application shall, within five (5) days, be referred to the
21 zoning department, the Department of Safe Housing and Building
22 Standards, the city/county board of health, and the fire department.
23 The departments shall within thirty (30) days after receipt of the
24 application inspect the premises proposed to be operated as a
25 massage or nude modeling establishment, and shall make written veri-
26 fication to the city controller concerning compliance with the codes
27 of the City of Fort Wayne that they administer. The application
28 shall further be referred to the police department for investigation
29 of the applicant's character and qualifications. Each application
30 shall contain the following information:

31 (a) A definition of service to be provided.

32 (b) The location, mailing address and all telephone numbers

1 where the business is to be conducted.

2 (c) The name and residence address of each applicant
3 (hereinafter all provisions which refer to applicant
4 include an applicant which may be a corporation or
5 partnership):

6 (1) If applicant is a corporation, the names and residence
7 addresses of each of the officers and directors of said
8 corporation and each stockholder owning more than ten
9 (10) per cent of the stock of the corporation, and the
10 address of the corporation itself, if different from
11 the address of the massage or nude modeling establish-
12 ment.

13 (2) If applicant is a partnership, the names and residence
14 addresses of each of the partners including limited
15 partners, and the address of the partnership itself, if
16 different from the address of the massage or nude
17 modeling establishment.

18 (d) The two (2) previous addresses immediately prior to the
19 present address of the applicant.

20 (e) Proof that the applicant is at least twenty-one (21) years
21 of age.

22 (f) Individual or partnership applicant's height, weight, color
23 of eyes and hair, and sex.

24 (g) Copy of identification such as driver's license and social
25 security card.

26 (h) Two color portrait photographs of the applicant at least
27 three (3) inches by (3) inches. If the applicant is a cor-
28 poration, two color portrait photographs at least three (3)
29 inches by three (3) inches of all officers and managing
30 agents of said corporation. If the applicant is a part-
31 nership, two color portrait photographs at least three (3)
32 inches by (3) inches in size of each partner, including a

1 limited partner in said partnership.

2 (i) Business, occupation or employment of the applicant for the
3 three (3) years immediately preceding the date of
4 application.

5 (j) The massage, nude modeling or similar business license
6 history of the applicant; whether such person, in pre-
7 viously operating in this or another city or state has had
8 a business license revoked or suspended in the last five
9 (5) years, the reason therefor, and the business activity
10 or occupation subsequent to such action of suspension or
11 revocation.

12 (k) All criminal convictions of applicant for the last five (5)
13 years (or in the case of a partnership, each partner, or in
14 the case of a corporation its manager, officers, directors,
15 and shareholders owing more than ten (10) per cent of the
16 stock of the corporation), other than misdemeanor traffic
17 violations, but including all violations of this article,
18 with the dates of convictions, nature of the crimes and
19 place convicted.

20 (l) The name and address of any massage or nude modeling busi-
21 ness or other establishment owned or operated by any person
22 whose name is required to be given in subsection (c)
23 wherein the business or profession of massage or nude
24 modeling is carried on.

25 (m) A description of any other business to be operated on the
26 same premises and a description of any other business to be
27 operated on adjoining premises, owned or controlled by the
28 applicant.

29 (n) A list of all employees of the establishment, including all
30 massagists, nude models and any and all other employees,
31 with the address, social security number, date of birth,
32 and two color portrait photographs at least three (3)

1 inches by three (3) inches of each and every employee.

2 (o) Authorization for the city, its agents and employees to
3 seek information and conduct an investigation into the
4 truth of the statements set forth in the application and
5 the qualifications of the applicant for the permit.

6 Upon the completion of the above provided form and the furnishing of
7 all foregoing information and fees, the city controller shall accept
8 the application for the necessary investigations. The holder of an
9 establishment license shall notify the city controller and the Fort
10 Wayne Police Department of each change in any of the data required
11 to be furnished by this section within ten (10) days after such
12 change occurs.

13 Sec. 7-168. Issuance of licenses.

14 (a) Approval or denial of application. The city controller
15 shall act to approve or deny an application for a license under this
16 article within a reasonable period of time, and in no event later
17 than ninety (90) days from the date that said application was
18 accepted by the city controller.

19 (b) License must be issued. The city controller must issue a
20 license unless the controller finds good cause for denying the
21 license. Good cause for license denial shall be all of the reasons
22 listed in Sec. 7-169.

23 Sec. 7-169. Cause for denial, revocation or suspension of license.

24 The city controller may deny, revoke, or suspend an
25 establishment license for the following reasons:

26 (a) The correct license fee has not been tendered to the
27 city.

28 (b) The applicant for, or holder of, a license, if an indi-
29 vidual; or any of the stockholders holding more than
30 ten (10) per cent of the stock of the corporation, any
31 of the officers and directors, if the applicant or
32 license holder is a corporation; or any of the part-

1 ners, including limited partners, if the applicant or
2 license holder is a partnership; or the manager or any
3 other person principally in charge of the massage or
4 nude modeling establishment, has been convicted of any
5 of the following offenses or convicted of an offense
6 without the State of Indiana that would have consti-
7 tuted any of the following offenses if committed within
8 the State of Indiana, in the past five (5) years:

9 (1) An offense involving the use of force or violence
10 upon the person of another that amounts to a
11 felony pursuant to the laws of the State of
12 Indiana.

13 (2) An offense involving sexual misconduct, which
14 constitutes a felony or misdemeanor under the laws
15 of the State of Indiana.

16 (c) The applicant for or holder of a license has knowingly
17 made any false, misleading, or fraudulent statement of
18 fact in the license application, or in any document
19 required by the City in connection with this article.

20 (d) The applicant or license holder has had an establish-
21 ment, massagist, or other similar permit or license
22 denied, revoked, or suspended by the city or any other
23 state or local agency within the past five (5) years.

24 (e) The applicant, if an individual, or any of the officers
25 and directors, if the applicant is a corporation; or
26 any of the partners, including limited partners, if the
27 applicant is a partnership; and the manager or other
28 person principally in charge of the operation of the
29 business, is not over the age of twenty-one (21) years.

30 (f) The application was not completely filled out or the
31 application was not correctly filled out.

32 (g) The establishment would not comply with all applicable

1 laws, including but not limited to, the city's
2 building, zoning, and health regulations, and with this
3 article.

4 (h) Any person has committed, on the premises of the
5 establishment, an act that would constitute prostitu-
6 tion pursuant to the laws of the State of Indiana, or
7 any offense involving narcotics, dangerous drugs, or
8 gambling, whether or not such person has been convicted
9 of such prostitution, narcotics, dangerous drugs or
10 gambling offense under the laws of the State of
11 Indiana.

12 (i) The establishment or any employee of the establishment
13 has not complied with the provisions of this article.

14 Sec. 7-170. Hearings and appeals.

15 (a) Denial of license. Upon the determination by the city
16 controller that a license applied for ought not be issued, a notice
17 shall be sent to the applicant by certified mail stating the reason
18 for the denial, and advising the applicant of the right to a
19 hearing to appeal the denial and the right to correct any defect in
20 the application or premises.

21 (b) Hearing on denial of license. When a hearing is requested
22 by an applicant on denial of a license, not less than ten (10) days
23 written notice of such hearing shall be given to the applicant,
24 which notice shall designate the time and place where the hearing
25 will be held.

26 (c) Revocation or suspension of license. Any license issued
27 under this article may be revoked or suspended by the city
28 controller for the causes listed in this article after notice and
29 hearing.

30 (d) Hearing on revocation of suspension. When a hearing is
31 set by the city controller in a revocation or suspension procedure,
32 the licensee shall receive not less than twenty (20) days written

1 notice, which notice shall contain the charges made, as well as
2 time and place where the hearing will be held.

3 (e) Rights granted. At a hearing conducted pursuant to this
4 article, the applicant or licensee shall have the right to be repre-
5 sented by counsel, to present witnesses, to testify and cross-examine
6 any other witnesses, and to subpoena witnesses. Proceedings shall
7 be conducted under oath.

8 (f) Controller presides. The city controller shall preside at
9 the hearing and shall make the final determination.

10 (g) Adverse decision. If any decision adverse to the appli-
11 cant or licensee is made by the city controller after a hearing as
12 provided above, the city controller shall provide the applicant or
13 licensee with a written reason for such decision, as well as a
14 notice of the applicant's or licensee's right to appeal to the
15 courts of the State of Indiana.

16 Sec. 7-171. License location.

17 (a) Display required. All establishments, licensed under this
18 article, shall display their licenses in a visible location in the
19 establishment for which the license was issued.

20 (b) Annual term. Licenses shall be granted for an initial
21 term ending May 31, next following the issuance of the license,
22 unless sooner suspended or revoked. Such license must be renewed
23 annually, and any renewal shall be for a term of one year from June 1
24 to May 31.

25 Sec. 7-172. Transfer of license.

26 A licensed establishment may be moved to another location pro-
27 viding:

28 (a) The location meets all the requirements of this
29 article; and

30 (b) The city controller is notified in writing a minimum of
31 thirty (30) days in advance of the move.

32 Sec. 7-173. Facilities necessary.

1 No license to operate a massage or nude modeling establishment
2 shall be issued unless an inspection by the City of Fort Wayne
3 reveals that the establishment complies with each of the following
4 minimum requirements:

5 (a) Construction of rooms used for toilets, tubs, steam baths
6 and showers shall be made waterproof with approved
7 waterproofed materials, and shall be installed in accor-
8 dance with the City of Fort Wayne Building Code. Plumbing
9 fixtures shall be installed in accordance with the city
10 plumbing code.

11 (1) Steam rooms and shower compartments shall have
12 waterproof floors, walls and ceilings approved by the
13 City of Fort Wayne.

14 (2) Floors of wet and dry heat rooms shall be adequately
15 pitched to one or more floor drains properly connected
16 to the sewer. (Exception: Dry heat rooms with wooden
17 floors need not be provided with pitched floors and
18 floor drains).

19 (3) A source of hot water must be available within the
20 immediate vicinity of dry and wet heat rooms to facili-
21 tate cleaning.

22 (b) The premises shall have adequate equipment for disinfecting
23 and sterilizing nondisposable instruments and materials
24 used in administering massages. Such non-disposable
25 instruments and materials shall be disinfected after use on
26 each patron.

27 (c) Closed cabinets shall be provided and used for the storage
28 of clean linen, towels and other materials used in connec-
29 tion with administering massages. All soiled linens,
30 towels and other materials shall be kept in properly
31 covered containers or cabinets, which containers or cabi-
32 nets shall be kept separate from the clean storage areas.

1 (d) Toilet facilities shall be provided in convenient loca-
2 tions. When employees and patrons of different sexes are
3 on the premises at the same time, separate toilet facili-
4 ties shall be provided for each sex. A single water closet
5 per sex shall be provided for each twenty (20) or more
6 employees or patrons of that sex on the premises at any one
7 time. Urinals may be substituted for water closets after
8 one water closet has been provided. Toilets shall be
9 designated as to the sex accommodated therein.

10 (e) Lavatories or washbasins provided with both hot and cold
11 running water shall be installed in either the toilet room
12 or a vestibule. Lavatories or washbasins shall be provided
13 with soap and a dispenser and with sanitary towels.

14 (f) All electrical equipment shall be installed in accordance
15 with the requirements of the city Uniform Electrical Code,
16 Sec. 7-174. Operating requirements.

17 (a) Every portion of the massage or nude modeling establish-
18 ment, including appliances and apparatus, shall be kept clean and
19 operated in a sanitary condition.

20 (b) Price rates for all services shall be prominently posted in
21 the reception area in a location available to all prospective custo-
22 mers.

23 (c) All employees of massage establishments shall be clean,
24 and wear nontransparent outer garments, the use of which is
25 restricted to the massage establishment. A separate dressing room
26 for each sex must be available on the premises with individual
27 lockers for each employee. Doors to such dressing rooms shall open
28 inward and shall be self-closing.

29 (d) All massage establishments shall be provided with clean,
30 laundered sheets and towels in sufficient quantity, and shall be
31 laundered after each use thereof and stored in a sanitary manner.

32 (e) No massage or nude modeling establishment granted a license

1 under the provisions of this article shall place, publish, or
2 distribute or cause to be placed, published or distributed any
3 advertisement, picture, or statement which is known or through the
4 exercise of reasonable care should be known to be false, deceptive
5 or misleading in order to induce any person to purchase or utilize
6 any professional massage services.

7 Sec. 7-175. Persons under age twenty-one prohibited on premises.

8 No person shall permit any person under the age of twenty-one
9 (21) years to come to or remain on the premises of any massage or
10 nude modeling establishment, as massagist, employee, or patron.

11 Sec. 7-176. Hour.

12 No massage or nude modeling establishment shall be kept open
13 for any purpose between the hours of 10:00 p.m. and 8:00 a.m. and no
14 person shall allow a massage or nude modeling establishment to
15 remain open for any purpose between the hours of 10:00 p.m. and 8:00
16 a.m.

17 Sec. 7-177. Inspection required.

18 (a) It shall be the duty of the city controller through duly
19 authorized representatives to inspect massage and nude modeling
20 establishments from time to time to determine compliance with this
21 article.

22 (b) Inspections are to be made at reasonable times, with due
23 regard to the nature of the business to be inspected.

24 (c) Upon showing the proper credentials, the representatives of
25 the city controller, including police officers, shall be entitled to
26 inspect portions of the massage or nude modeling establishment open
27 to the public to determine compliance with this article.

28 Sec. 7-178. Unlawful acts.

29 (a) It shall be unlawful for any person, in a massage or nude
30 modeling establishment, to place his or her hand or hands upon, to
31 touch with any part of his or her body, to fondle in any manner, or
32 to massage, a sexual or genital part of any other person.

1 (b) It shall be unlawful for any person, in a massage
2 establishment, to expose his or her sexual or genital parts, or any
3 portion thereof, to any other person.

4 (c) It shall be unlawful for any person to allow the sexual or
5 genital parts of patrons of establishments required to be licensed
6 under this article to be exposed when in the presence of an
7 employee, massagist or nude model.

8 (d) It shall be unlawful for any person owning, operating or
9 managing a massage or nude modeling establishment to cause, allow or
10 permit on the premises of such establishment, any person to perform
11 such acts prohibited in subsections (a), (b), or (c) of this
12 section.

13 (e) It shall be unlawful for any massage service or nude
14 modeling to be carried on within any cubicle, room, booth, or area
15 within a massage or nude modeling establishment which is fitted with
16 a door capable of being locked.

17 Sec. 7-179. Name and place of business.

18 No person granted a license pursuant to this article shall
19 operate the massage or nude modeling establishment under a name not
20 specified in his license, nor shall he conduct business under any
21 designation or location not specified in his license.

22 Sec. 7-180. Time limit for filing.

23 Applications for renewals of licenses must be filed not more
24 than sixty (60) days nor less than thirty (30) days prior to ter-
25 mination of an existing license.

26 Sec. 7-181. Violation and penalty.

27 (a) Any licensee under this article violating any provision
28 thereof shall be subject to license revocation or suspension pur-
29 suant to the provisions of this article.

30 (b) Any person who violates any provision of this article shall
31 be subject to a fine of not less than three hundred dollars
32 (\$300.00) and not more than one thousand dollars (\$1,000.00). Each

1 day such violation is committed or permitted to continue shall
2 constitute a separate violation.

3 Sec. 7-182. Maintaining public nuisance.

4 Any building used as a massage or nude modeling establishment
5 in violation of this article, with the actual or constructive
6 knowledge of the owner thereof, or of the agent of the owner
7 managing such building, together with all fixtures and other pro-
8 perty used in conjunction with the operation of said building, are
9 hereby declared to be a public nuisance.

10 SECTION 3. Severability. Should any section, paragraph,
11 sentence, clause or phrase of this ordinance be declared unconstitu-
12 tional or invalid for any reason, the remainder of said ordinance
13 shall not be affected thereby.

14 SECTION 4. Pending actions. This ordinance shall not be
15 construed or held to repeal any former ordinance as to any offense
16 committed against such former ordinance or as to any act done, any
17 penalty, forfeiture or punishment so incurred or any right accrued
18 or claim arising under the former ordinance.

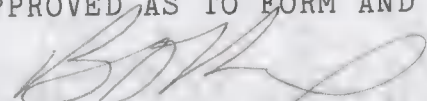
19 SECTION 5. Current license holders.

20 All massage establishment licenses issued pursuant to any
21 repealed ordinance shall not expire until the normal expiration date
22 of May 31, 1987. Applications for license renewals shall be pur-
23 suant to this ordinance. New applicants shall comply with this
24 ordinance.

25 SECTION 6. This ordinance shall be in full force and
26 effect from and after its passage, any and all necessary approval by
27 the Mayor and legal publication thereof.

28
29 APPROVED AS TO FORM AND LEGALITY.


COUNCILMEMBER

30
31 
32 Bruce O. Boxberger, City Attorney
Dated this 23 day of Feb, 1986

1987 BOB
1986

seconded by Redd, and duly adopted, read the second time by title and referred to the Committee Ed. You You Lee (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ .M., E.

DATE: 2-24-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by E. Carter, seconded by Redd, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

| | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAINED</u> | <u>ABSENT</u> | <u>TO-WIT:</u> |
|--------------------|-------------|-------------|------------------|---------------|----------------|
| <u>TOTAL VOTES</u> | <u>7</u> | <u>1</u> | _____ | <u>1</u> | _____ |
| <u>BRADBURY</u> | _____ | <u>✓</u> | _____ | _____ | _____ |
| <u>BURNS</u> | <u>✓</u> | _____ | _____ | _____ | _____ |
| <u>EISBART</u> | <u>✓</u> | _____ | _____ | _____ | _____ |
| <u>GIAQUINTA</u> | _____ | _____ | _____ | <u>✓</u> | _____ |
| <u>HENRY</u> | <u>✓</u> | _____ | _____ | _____ | _____ |
| <u>REDD</u> | <u>✓</u> | _____ | _____ | _____ | _____ |
| <u>SCHMIDT</u> | <u>✓</u> | _____ | _____ | _____ | _____ |
| <u>STIER</u> | <u>✓</u> | _____ | _____ | _____ | _____ |
| <u>TALARICO</u> | <u>✓</u> | _____ | _____ | _____ | _____ |

DATE: 3-10-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ANNEXATION~~) (~~APPROPRIATION~~) (~~GENERAL~~)

(~~SPECIAL~~) (~~ZONING MAP~~) ORDINANCE (~~RESOLUTION~~) NO. J-46-87
on the 10th day of March, 1987.

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Thomas E. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of March, 1987, at the hour of 2:30 o'clock P.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 20th day of March, 1987, at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR



The City of Fort Wayne

March 24, 1987

Ms. Marilyn Romine
Fort Wayne Newspapers, Inc.,
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Romine:

Please give the attached full coverage on the dates of
March 27 and April 3, 1987, in both the News Sentinel and
Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. S-87-02-18
(as amended) (as amended)
(as amended) (as amended)
Special Ordinance No. S-46-87
Massage and Nude Modeling

Please send us 4 copies of the Publisher's Affidavit from
both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL:1

LEGAL NOTICE

Notice is hereby given that on the 10th day of
March, 1987, the Common Council of the City
of Fort Wayne, Indiana, in a Regular Session did pass
the following Bill No. S-87-02-18 (as amended) (as amended) (as amended)
Special (as amended)
Ordinance No. S-46-87 to-wit:

BILL NO. S-87-02-18 (as amended) (as amended) (as amended)
(as amended)

SPECIAL ORDINANCE NO. S-46-87

AN ORDINANCE REPEALING CHAPTER 7
OF THE MUNICIPAL CODE OF THE CITY OF FORT WAYNE, INDIANA: AND,
FURTHER, AMENDING THE MUNICIPAL CODE BY ADDING A NEW ARTICLE I
CHAPTER 7, ENTITLED MESSAGE AND NUDE MODELING.

WHEREAS, the Massage Parlor Ordinance of the City of Fort
Wayne needs amending to add nude modeling studios within the
coverage of said ordinance; and

WHEREAS, the Massage Parlor Ordinance of the City of Fort
Wayne needs amending to strengthen certain provisions of said ordi-
nance; and

WHEREAS, said amendments to the Massage Parlor Ordinance
will better enable the City to regulate massage parlors.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA:

SECTION 1. Repeal. That Chapter 7 of the Municipal Code
of the City of Fort Wayne, Indiana, is hereby repealed.

SECTION 2. Amendment. That the Municipal Code of the City
of Fort Wayne, Indiana, is hereby amended by adding a new Article
of Chapter 7, which new article consists of the following language

ARTICLE I. MESSAGE AND NUDE MODELING
Sec. 7-1. Definitions.


For the purposes of this article, the following words and phr-
ses shall have the meanings respectively ascribed to them by this
section.

(a) Employee. Any person who renders any service in connectio-
with the operation of a massage or nude modeling business
and receives compensation from the operator of the business
or patrons.

(b) Nude Model. Any person who, for any consideration what-

16 of May 31, 1987. Applications for license renewal
17 suant to this ordinance. New applicants shall comply with this
18 ordinance.

19 SECTION 6. This ordinance shall be in full force and
20 effect from and after its passage, any and all necessary approval
21 the Mayor and legal publication thereof.

22 
COUNCILMEMBER
Ben A. Eisbart

Read the third time in full and on motion by Eisbart,
seconded by Stier, and duly adopted, placed on its passage. PASSED
by the following vote:

AYES: Seven
Burns, Eisbart, Henry, Redd, Schmidt,
Stier, Talarico

NAYS: One
Bradbury

ABSTAINED: None

ABSENT: One
GiaQuinta

DATE: 3-10-87

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of
Fort Wayne, Indiana, as Special Ordinance No. S-46-87 on the 10th
day of March, 1987.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Thomas C. Henry
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne,
Indiana, on the 12th day of March, 1987, at the hour of 2:30 o'clock
P.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 20th day of March, 1987,
at the hour of 1:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify
that the above and foregoing is a full, true and complete copy of
Special _____ Ordinance No. S-46-87
passed by the Common Council on the 10th _____ day of
March _____, 19 87, and that said Ordinance was
duly signed and approved by the Mayor on the 20th _____ day of
March _____, 19 87, and now remains on file and
on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne,
Indiana, this 20th _____ day of _____ March _____, 19 87.

SEAL


SANDRA E. KENNEDY, CITY CLERK

BILL NO. S-87-02-18

REPORT OF THE COMMITTEE ON

AD HOC COMMITTEE - FORT WAYNE
MUNICIPAL CODE OF 1974

WE, YOUR COMMITTEE ON AD HOC COMMITTEE - FORT WAYNE TO WHOM WAS

REFERRED AN (ORDINANCE) (XXXXXXXXXX) REPEALING ARTICLE XI OF

CHAPTER 7 OF THE MUNICIPAL CODE OF THE CITY OF FORT WAYNE, INDIANA,

MASSAGISTS AND MASSAGE ESTABLISHMENTS: AND, FURTHER, AMENDING

THE MUNICIPAL CODE BY ADDING A NEW ARTICLE XI CHAPTER 7 ENTITLED

MASSAGE AND NUDE MODELING

HAVE HAD SAID (ORDINANCE) (XXXXXXXXXX) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)

(XXXXXXXXXX)

YES

NO

MARK E. GIAQUINTA
CHAIRMAN

BEN EISBART
THOMAS C. HENRY

JANET G. BRADBURY
CHARLES B. REDD

DONALD J. SCHMIDT

MARK E. GIAQUINTA

PAUL M. BURNS

SAMUEL J. TALARICO

JAMES S. STIER

CONCURRED IN

SANDRA E. KENNEDY
CITY CLERK

AMENDMENT TO BILL NO. S-87-02-18 -- MARCH 10, 1987

PAGE 4 -- LINE 14 Add the following sentence after -- after
conducted by such a person. A person who has
a communicable or infectious disease shall not
work in any establishment licensed under this
article.

PAGE 5 -- LINE 8 *change* *to read*
~~Add~~ the following ~~after~~ -- which shall be
five hundred dollars (\$500.00 per year)

PAGE 7 -- LINE 19 Add the following after -- date of birth
next of kin

PAGE 15 -- LINE 4 Add the following after -- capable of being
locked.

(f) It shall be unlawful for any person to
massage a person of the opposite sex, except
upon the signed prescription of a licensed
physician, osteopath, chiropractor, or
registered physical therapist.

PROPOSED MASSAGE PARLOR ORDINANCE AMENDMENTS

Page 3, Line 22, add the following language:

- (k) Body work practitioner. Any person who:
 - 1. Submits a certificate by a licensed physician, chiropractor, or osteopath who practices in the City of Fort Wayne, Indiana, that the person is competent and efficient as a body work practitioner; or
 - 2. Who holds a diploma or other certificate of graduation from a recognized school of massage.
- (l) Recognized school of massage. Any properly accredited school or institution of learning which has for its purpose the teaching of the theory, ethics, practice, method, profession or work of massage technician and has a program which requires a resident course of study of not less than one thousand (1,000) hours to be given in not less than six (6) calendar months before the student shall be furnished with a diploma or certificate of graduation from such school or institution of learning showing the successful completion of said course. Schools offering a correspondence course not requiring actual attendance at class shall not be deemed a recognized school.

Page 4, after Line 14, add the following language:

- (e) Establishments owned and operated by body work practitioners and which employ only body work practitioners as massagists.

PROPOSED MESSAGE PARLOR ORDINANCE AMENDMENT

Page ¹⁵~~14~~, after Line ⁴~~10~~, add the following language:

- (f) It shall be unlawful for any person to massage a person of the opposite sex, except upon the signed prescription of a licensed physician, osteopath, chiropractor, or registered physical therapist. The requirements of this subsection shall not apply to massages given in the residence of a patient the office of a licensed physician, osteopath or registered physical therapist, chiropractor, or in regularly established and licensed hospital or sanitarium.

(new ordinance substituted Mar 10th)

Ft Wayne Common Council
(Governmental Unit)
Allen County, IN

To JOURNAL-GAZETTE Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

1

Body number of lines

621

LEGAL NOTICE

Notice is hereby given on the 10th day of March, 1987, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. S-87-02-18 (as amended) (as amended) (as amended) (as amended) (as amended) Special Ordinance No. S-46-87 to-wit:

BILL NO. S-87-02-18 (as amended) (as amended) (as amended) (as amended) (as amended) SPECIAL ORDINANCE NO. S-46-87 AN ORDINANCE REPEALING CHAPTER 7 OF THE MUNICIPAL CODE OF THE CITY OF FORT WAYNE, INDIANA; AND FURTHER AMENDING THE MUNICIPAL CODE BY ADDING A NEW ARTICLE CHAPTER 7, ENTITLED MESSAGE AND NUDE MODELING.

WHEREAS, the Massage Parlor Ordinance of the City of Fort Wayne needs amending to add nude modeling studios within the coverage of said ordinance; and

WHEREAS, the Massage Parlor Ordinance of the City of Fort Wayne needs amending to strengthen certain provisions of said ordinance; and

WHEREAS, said amendments to the Massage parlor Ordinance will better enable the City to regulate massage parlors.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Repeal. That Chapter 7 of the Municipal Code of the City of Fort Wayne, Indiana, is hereby repealed.

SECTION 2. Amendment. That the Municipal Code of the City of Fort Wayne, Indiana, is hereby amended by adding a new Article I of Chapter 7, which new article consists of the following language:

ARTICLE I. MESSAGE AND NUDE MODELING

Sec. 7-1. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section.

(a) Employee. Any person who renders any service in connection with the operation of a massage or nude modeling business and receives compensation from the operator of the business or patrons.

(b) Nude Model. Any person who, for any consideration whatsoever, engages in nude modeling.

(c) Nude Modeling. The exposing by any person of his or her sexual and/or genital areas. However, nude modeling at or on behalf of any properly accredited institution of higher learning shall not fall within this definition.

(d) Nude Modeling Establishment. Any establishment having a source of income or compensation derived from the practice of nude modeling. A nude modeling establishment includes any establishment which could come under the above description, whether the establishment is called a nude modeling and conversation studio, massage parlor, health club, book store or any other name. However, any properly accredited institution of higher learning shall not fall within this definition.

(e) Massage. Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the human body with the hands or with any portion of the body or with the aid of any mechanical, electrical or other apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefor. Massage shall also mean the giving, receiving, or administering of a bath to any person, or the application of body paint or other colorant to any person.

(f) Massage Establishment. Any establishment having a source of income or compensation derived from the practice of massage, as defined in subsection (e), and which has a fixed place of business where any person, firm, association, or corporation engages in or carries on any of the activities as defined in subsection (e). A massage establishment includes any establishment which would come under the above description, whether the establishment is called a nude modeling and conversation studio, massage parlor, health club, book store or by any other name.

(g) Massageist. Any person who, for any consideration whatsoever, engages in the practice of massage, as defined in the practice of massage, as defined in subsection (e).

(h) Patron. Any person who receives a massage or uses the services of a nude model under such circumstances that it is reasonably expected that such person will pay money or give other consideration therefor.

(i) Person. Any individual, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

(j) Sexual or genital area. Genitals, pubic area, buttocks, anus, or perineum of any person, or the vulva or breasts of a female.

(k) Body work practitioner. Any person who: 1. Submits a certificate by a licensed physician, chiropractor, or osteopath who practices in Allen County, Indiana, that the person is competent and efficient as a body work practitioner; or

2. Who holds a diploma or other certificate of graduation from a recognized school of massage.

1. Recognized school of massage. Any properly accredited school or institution of learning which has for its purpose the teaching of the theory, ethics, practice, method, profession or work of massage technician and has a program which requires a resident course of study of not less than one thousand (1,000) hours to be given in not less than six (6) calendar months before the student shall be furnished with a diploma or certificate of graduation from such school or institution or learning showing the successful completion of said course. Schools offering a correspondence course not requiring actual attendance at class shall not be deemed a recognized school.

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(1) The name and address of any massage or nude modeling business or other establishment owned or operated by any person whose name is required to be given in subsection (c) wherein the business or profession of massage or nude modeling is carried on.

(m) A description of any other business to be operated on the same premises and a description of any other business to be operated on adjoining premises, owned or controlled by the applicant.

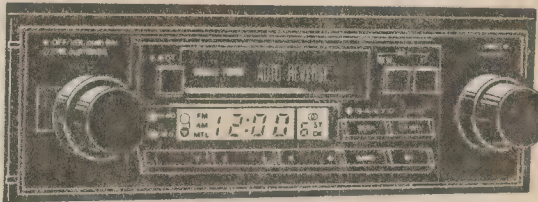
(n) A list of all employees of the establishment, including all massageists, nude models and any and all other employees, with the address, social security number, date of birth, next of kin, and two color portrait photographs at least three (3) inches by three (3) inches of each and every employee.

(o) Authorization for the city, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit.

OPEN
SUNDAYS
12-5

HIT THE ROAD
It's That Time Of Year
Classic Stereo

NEW SANYO



Digital AM/FM Stereo-With Auto-Reverse

- Separate Bass & Treble Controls
- 12 Station Pre-Set • Seek Tuning
- Locking Fast Forward And Rewind
- Full Auto Reverse

\$139⁹⁵

#FT635 • List \$200

Panasonic
1/2 Price
Buy One Get One Free
6x9 Coaxial



- 80 Watts Max
- 15.6 Oz. Magnet

\$59

Pair

#FAR695 • List \$120

AM/FM-

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ONAL ON-
MAKE Y

LOWEST PRICE
UP TO \$1,500
AVAILABLE

Ft Wayne Common Council
(Governmental Unit)
Allen County, IN

To JOURNAL-GAZETTE Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

Body number of lines

1
621
1
623

1) The city controller is notified in writing a num of thirty (30) days in advance of the
2) license to operate a massage or nude modeling establishment shall be issued unless an inspection by City of Fort Wayne reveals that the establishment complies with each of the following minimum requirements:
a) Construction of rooms used for toilets, tubs, n baths and showers shall be made waterproof of approved waterproofed materials, and shall be lled in accordance with the City of Fort Wayne ing Code. Plumbing fixtures shall be installed in rdance with the city plumbing code.
b) Steam rooms and shower compartments shall waterproof floors, wall and ceilings approved by ity of Fort Wayne.
c) Floors of wet and dry heat rooms shall be uately pitched to one or more floor drains rly connected to the sewer. (Exception: Dry heat is with wooden floors and floor drains)
d) A source of hot water must be available within mediate vicinity of dry and wet heat rooms to ate cleaning.
e) The premises shall have adequate equipment isinfecting and sterilizing nondisposable instrs and materials used in administering massages. non-disposable instruments and materials shall infected after use on each patron.
f) Closed cabinets shall be provided and used for storage of clean linen, towels, and other materials in connection with administering massages. All ilines, towels and other materials shall be kept in rly covered containers or cabinets, which aliners or cabinets shall be kept separate from the storage areas.
g) Toilet facilities shall be provided in convenient ions. When employees and patrons of different are on the premises at the same time, separate facilities shall be provided for each sex. A single r closet per sex shall be provided for each twenty or more employees or patrons of that sex on the ses at any one time. Urinals may be substituted ater closets after one water closet has been ded. Toilets shall be designated as to the sex modimated therein.
h) Lavatories or washbasins provided with both hot cold running water shall be installed in either the room or a vestibule. Laboratories or washbasins be provided with soap and a dispenser and with ary towels.
i) All electrical equipment shall be installed in rdance with the requirements of the city Uniform rical Code.
j) c. 7-11. Operating requirements.
k) Every portion of the massage or nude modeling blishment, including appliances and apparatus, be kept clean and operated in a sanitary lition.
l) Price rates for all services shall be prominently ad in the reception area in a location available to ospective customers.
m) All employees of massage establishments shall lean and wear nontransparent outer garments, use of which is restricted to the massage blishment. A separate dressing room for each sex be available on the premises with individual ers for each employee. Doors to such dressing is shall open inward and shall be self-closing.
n) All massage establishments shall be provided clean, laundered sheets and towels in sufficient ity, and shall be laundered after each use thereof stored in a sanitary manner.
o) No massage or nude modeling establishment ted a license under the provisions of this article place, publish, or distribute or cause to be placed, ished or distributed any advertisement, picture, or ment which is known or through the exercise of onalbe care should be known to be false, ptive or misleading in order to induce any person urchase or utilize any professional massage ces.
p. 7-12. Persons under age twenty-one prohibited remises.
q) person shall permit any person under the age of ty-one (21) years to come to or remain on the ises of any massage or nude modeling blishment, as massagist, employee, or patron.
r. 7-13. Hour.
s) o massage or nude modeling establishment shall ept open for any purpose between the hours of 0 p.m. and 8:00 a.m. and no person shall allow a sage or nude modeling establishment to remain r for any purpose between the hours of 10:00 p.m. 8:00 a.m.
t. 7-14. Inspection required.
u) It shall be the duty of the city controller through uthorized representatives to inspect massage nude modeling establishments from time to time to rmine compliance with this article.
v) Inspections are to be made at reasonable times, ue regard to the nature of the business to be ected.
w) Upon showing the proper credentials, the esentatives of the city controller, including police ers, shall be entitled to inspect portions of the sage or nude modeling establishment open to the lic to determine compliance with this article.
x. 7-15. Unlawful acts.
y) a) It shall be unlawful for any person, in a massage ude modeling establishment, to place his or her d or hands upon, to touch with any part of his or her y, to fondle in any manner, or to massage, a sexual enital part of any other person.
b) It shall be unlawful for any person, in a massage blishment, to expose his or her sexual or genital s, or any portion thereof, to any other person.
c) It shall be unlawful for any person to allow the al or genital parts of patrons of establishment ired to be licensed under this article to be exposed n in the presence of an employee, massagist or a model.
d) It shall be unlawful for any person owning, rating or managing a massage or nude modeling blishment to cause, allow or permit on the ises of such establishment, any person to perform acts prohibited in subsections (a), (b), or (c) of

room, booth, or area within a massage or nude modeling establishment which is fitted with a door cabable of being locked.
(f) It shall be unlawful for any prson to massage a person of the opposite sex, except upon the signed prescription of a licensed physician, osteopath, chiropractor, or registered physical therapist.
Sec. 7-16. Name and place of business.
No person granted a license pursuant to this article shall operate the massage or nude modeling establishment under a name not specified in his license, nor shall he conduct business under any designation or location not specified in his license.
Sec. 7-17. Time limit for filing.
Applications for renewals of licenses must be filed not more than sixty (60) days nor less than thirty (30) days prior to termination of an existing license.
Sec. 7-18. Violation and penalty.
(a) Any license under this article violating any provision thereof shall be subject to license revocation or suspension pursuant to the provisions of this article.
(b) Any person who violates any provision of this article shall be subject to a fine of not less than three hundred dollars (\$300.00) and not more than one thousand dollars (\$1,000.00). Each day such violation is committed or permitted to continue shall constitute a separate violation.
Sec. 7-19. Maintaining public nuisance.
Any building used as a massage or nude modeling establishment in violation of this article with the actual or constructive knowledge of the owner thereof, or of the agent of the owner managing such building, together with all fixtures and other property in conjunction with the operation of said building, are hereby declared to be a public nuisance.
SECTION 3. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remainder of said ordinance shall not be affected thereby.
SECTION 4. Pending actions. This ordinance shall not be construed or held to repeal any former ordinance as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred or any right accrued or claim arising under the former ordinance.
SECTION 5. Current license holders.
All massage establishments licenses issued pursuant to any repealed ordinance shall not expire until the normal expiration date of May 31, 1987. Applications for license renewals shall be pursuant to this ordinance. New applicants shall comply with this ordinance.
SECTION 6. This ordinance shall be in force and effect from and after its passage, and all necessary approval by the Mayor and legal publication thereof.
Ben A. Eisbart
COUNCILMEMBER
Read the third time in full and on motion by Eisbart, seconded by Stier, and duly adopted, placed on its passage. PASSED by the following vote:
AYES: Seven
Burns, Eisbart, Henry, Redd, Schmidt, Stier, Talarico
NAYS: One
Bradbury
ABSTAINED: None
ABSENT: One
GisQuinta
DATE: 3-10-87
Sandra E. Kennedy
City Clerk
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance No. S-46-87 on the 10th day of March, 1987.
ATTEST:
Sandra E. Kennedy
City Clerk
(SEAL)
Thomas C. Henry
Presiding Officer
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of March, 1987, at the hour of 2:30 o'clock P.M., E.S.T.
Sandra E. Kennedy
City Clerk
Approved and signed by me this 20th day of March, 1987, at the hour of 1:00 o'clock P.M., E.S.T.
Win Moses, Jr.
Mayor
I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of Special Ordinance No. S-46-87, passed by the Common Council on 10th day of March, 1987, and that said Ordinance was duly signed and approved by the Mayor on the 20th day of March, 1987, and now remains on file and on record in my office.
WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 20th day of March, 1987.
SANDRA E. KENNEDY, CITY CLERK
3-27/4-3

23 equivalent lines at .450¢ \$ 280.35
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Judy Sterling
CLERK

PUBLISHER'S AFFIDAVIT

a notary public in and for said county and state, the
ing who, being duly sworn, says
LERK of the
newspaper of general circulation printed and published
FORT WAYNE, INDIANA
ad that the printed matter attached hereto is a true copy,
two times the dates of publication being

Judy Sterling
Shelley R. LaRue
Notary Public

3rd April 87
March 3, 1990

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Ft Wayne Common Council
(Governmental Unit)
Allen County, IN

To JOURNAL-GAZETTE Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines1.....
Body number of lines621.....
Tail number of lines1.....
Total number of lines in notice623.....

COMPUTATION OF CHARGES

623 lines, 1 columns wide equals 623 equivalent lines at .450¢ \$280.35
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (1.00 for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

\$280.35

DATA FOR COMPUTING COST

Width of single column 12.5 picas

Size of type 6 point

Number of insertions 2

Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date April 3, 1987

Title CLERK

FORM #904

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Trudy Sterling who, being duly sworn, says that he/she is CLERK of the JOURNAL-GAZETTE DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times the dates of publication being as follows:

3/27/87, 4/3/87

Subscribed and sworn to me before this 3rd day of April 1987

Shelley R. LaRue

Notary Public

My commission expires March 3, 1990

Ft Wayne Common Council
(Governmental Unit)
Allen County, IN

To NEW-SENTINEL Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

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SALE
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(h) Patron. Any person who receives a massage or uses the services of a nude model under such circumstances that it is reasonably expected that such person will pay money or give other consideration therefor.

(i) Person. Any individual, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

(j) Sexual or genital area. Genitals, pubic area, buttocks, anus, or perineum of any person, or the vulva or breasts of a female.

(k) Body work practitioner. Any person who:

1. Submits a certificate by a licensed physician, chiropractor, or osteopath who practices in Allen County, Indiana, that the person is competent and efficient as a body work practitioner; or
2. Who holds a diploma or other certificate of graduation from a recognized school of massage.

1. Recognized school of massage. Any properly accredited school or institution of learning which has for its purpose the teaching of the theory, ethics, practice, method, profession or work of massage technician and has a program which requires a resident course of study of not less than one thousand (1,000) hours to be given in not less than six (6) calendar months before the student shall be furnished with a diploma or certificate of graduation from such school or institution or learning showing the successful completion of said course. Schools offering a correspondence course not requiring actual attendance at class shall not be deemed a recognized school.

modeling establishment.

(2) If applicant is a partnership, the names and residence addresses of each of the partners including limited partners, and the address of the partnership itself, if different from the address of the massage or nude modeling establishment.

(d) The two (2) previous addresses immediately prior to the present address of the applicant.

(e) Proof that the applicant is at least twenty-one (21) years of age.

(f) Individual or partnership applicant's height, weight, color of eyes and hair, and sex.

(g) Copy of identification such as driver's license and social security card.

(h) Two color portrait photographs of the applicant at least three (3) inches by three (3) inches. If the applicant is a corporation, two color portrait photographs at least three (3) inches by three (3) inches of all officers and managing agents of said corporation. If the applicant is a partnership, two color portrait photographs at least three (3) inches by three (3) inches in size of each partner, including a limited partner in said partnership.

(i) Business, occupation or employment of the applicant for the three (3) years immediately preceding the date of application.

(j) The massage, nude modeling or similar business license history of the applicant; whether such person, in previously operating in this or another city or state has had a business license revoked or suspended in the last five (5) years, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation.

Sec. 7-2. Establishment license required.

It shall be unlawful for any person to engage in or carry out the business of massage or nude modeling unless that person has a valid establishment license issued by the City pursuant to the provisions of this article for each and every separate office or place of business conducted by such person. A person who has a communicable or infectious disease shall not work in any establishment licensed under this article.

Sec. 7-3. Exemptions.

This article shall not apply to the following establishments:

(a) Hospitals, nursing homes, sanitariums or other health care facilities licensed under the State of Indiana.

the date that said application was accepted by the city controller.

(b) License must be issued. The city controller must issue a license unless the controller finds good cause for denying the license. Good cause for license denial shall be all of the reasons listed in Sec. 7-6.

Sec. 7-6. Cause for denial, revocation or suspension of license.

The city controller may deny, revoke, or suspend an establishment license for the following reasons:

(a) the correct license fee has not been tendered to the city.

(b) The applicant for, or holder of, a license, if an individual; or any of the stockholders holding more than ten (10) per cent of the stock of the corporation, any of the officers and directors, if the applicant or license holder is a corporation; or any of the partners, including limited partners, if the applicant or license holder is a partnership; or the manager or any other person principally in charge of the massage or nude modeling establishment, has been convicted of any of the following offenses or convicted of an offense without the State of Indiana that would have constituted any of the following offenses if committed within the State of Indiana, in the past five (5) years:

- (1) An offense involving the use of force or violence upon the person of another that amounts to a felony pursuant to the laws of the State of Indiana.
- (2) An offense involving sexual misconduct, which constitutes a felony or misdemeanor under the laws of the State of Indiana.
- (c) The applicant for or holder of a license has knowingly made any false, misleading, or fraudulent statement of fact in the license application, or in any document required by the City in connection with this article.
- (d) The applicant or license holder has had an establishment, massagist, or other similar permit or license denied, revoked, or suspended by the city or any other state or local agency within the past five (5) years.
- (e) The applicant, if an individual, or any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; and the manager or other person principally in charge of the operation of the business, is not over the age of twenty-one (21) years.
- (f) The application was not correctly filled out or the application was not correctly filled out.
- (g) The establishment would not comply with the applicable laws, including but not limited to, the city's building, zoning, and health regulations, and with this article.
- (h) Any person has committed, on the premises of the establishment, an act that would constitute prostitution pursuant to the laws of the State of Indiana, or any offense involving narcotics, dangerous drugs, or gambling, whether or not such person has been convicted of such prostitution, narcotics, dangerous drugs or gambling offense under the laws of the State of Indiana.
- (i) The establishment or any employee of the establishment has not complied with the provisions of this article.

Sec. 7-7. Hearings and appeals.

(a) Denial of license. Upon the determination by the city controller that a license applied for ought to be issued, a notice shall be sent to the applicant by certified mail stating the reason for the denial, and advising the applicant of the right to a hearing to appeal the denial and the right to correct any defect in the application or premises.

(b) Hearing on denial of license. When a hearing is requested by an applicant on denial of a license, not less than ten (10) days written notice of such hearing shall be given to the applicant, which notice shall designate the time and place where the hearing will be held.

(c) Revocation or suspension of license. Any

accordance with the requirements of the City of Fort Wayne, Indiana, and the official seal of my office.

Sec. 7-11. Operating requirements.

(a) Every portion of the massage or nude modeling establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.

(b) Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers.

(c) All employees of massage establishments shall be clean, and wear nontransparent outer garments, the use of which is restricted to the massage establishment. A separate dressing room for each sex must be available on the premises with individual lockers for each employee. Doors to such dressing rooms shall open inward and shall be self-closing.

(d) All massage establishments shall be provided with clean, laundered sheets and towels in sufficient quantity, and shall be laundered after each use thereof and stored in a sanitary manner.

(e) No massage or nude modeling establishment granted a license under the provisions of this article shall place, publish, or distribute or cause to be placed, published or distributed any advertisement, picture, or statement which is known or through the exercise of reasonable care should be known to be false, deceptive or misleading in order to induce any person to purchase or utilize any professional massage services.

Sec. 7-12. Persons under age twenty-one prohibited on premises.

No person shall permit any person under the age of twenty-one (21) years to come to or remain on the premises of any massage or nude modeling establishment, as massagist, employee, or patron.

Sec. 7-13. Hour.

No massage or nude modeling establishment shall be kept open for any purpose between the hours of 10:00 p.m. and 8:00 a.m. and no person shall allow a massage or nude modeling establishment to remain open for any purpose between the hours of 10:00 p.m. and 8:00 a.m.

Sec. 7-14. Inspection required.

(a) It shall be the duty of the city controller through duly authorized representatives to inspect massage and nude modeling establishments from time to time to determine compliance with this article.

(b) Inspections are to be made at reasonable times, with due regard to the nature of the business to be inspected.

(c) Upon showing the proper credentials, the representatives of the city controller, including police officers, shall be entitled to inspect portions of the massage or nude modeling establishment open to the public to determine compliance with this article.

Sec. 7-15. Unlawful acts.

(a) It shall be unlawful for any person, in a massage or nude modeling establishment, to place his or her hand or hands upon, to touch with any part of his or her body, to fondle in any manner, or to massage, a sexual or genital part of any other person.

(b) It shall be unlawful for any person, in a massage establishment, to expose his or her sexual or genital parts, or any portion thereof, to any other person.

(c) It shall be unlawful for any person to allow the sexual or genital parts of patrons of establishment required to be licensed under this article to be exposed when in the presence of an employee, massagist or nude model.

(d) It shall be unlawful for any person owning, operating or managing a massage or nude modeling establishment to cause, allow or permit on the premises of such establishment, any person to perform such acts prohibited in subsections (a), (b), or (c) of this section.

(e) It shall be unlawful for any massage service or nude modeling to be carried on within any cubicle, room, booth, or area within a massage or nude modeling establishment which is fitted with a door capable of being locked.

my office.

WITNESS my hand, and the official seal of Fort Wayne, Indiana, this 20th day of May 1967.

SANDRA E. KENNEDY, C

3-27/4-3

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Fort Wayne Common Council
(Governmental Unit)

Allen County, IN

To NEW-SENTINEL Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

Body number of lines

1

621

LEGAL NOTICE

Notice is hereby given on the 10th day of March, 1987, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following Bill No. S-87-02-18 (as amended) (as amended) (as amended) (as amended) (as amended) (as amended) Special Ordinance No. S-46-87 to wit:

BILL NO. S-87-02-18 (as amended) (as amended) (as amended) (as amended) (as amended) (as amended)

SPECIAL ORDINANCE NO. S-46-87 AN ORDINANCE REPEALING CHAPTER 7 OF THE MUNICIPAL CODE OF THE CITY OF FORT WAYNE, INDIANA; AND, FURTHER, AMENDING THE MUNICIPAL CODE BY ADDING A NEW ARTICLE CHAPTER 7, ENTITLED MESSAGE AND NUDE MODELING.

WHEREAS, the Massage Parlor Ordinance of the City of Fort Wayne needs amending to add nude modeling studios within the coverage of said ordinance; and

WHEREAS, the Massage Parlor Ordinance of the City of Fort Wayne needs amending to strengthen certain provisions of said ordinance; and

WHEREAS, said amendments to the Massage parlor Ordinance will better enable the City to regulate massage parlors.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Repeal. That Chapter 7 of the Municipal Code of the City of Fort Wayne, Indiana, is hereby repealed.

SECTION 2. Amendment. That the Municipal Code of the City of Fort Wayne, Indiana, is hereby amended by adding a new Article I of Chapter 7, which new article consists of the following language:

ARTICLE I. MESSAGE AND NUDE MODELING

Sec. 7-1. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section.

(a) Employee. Any person who renders any service in connection with the operation of a massage or nude modeling business and receives compensation from the operator of the business or patrons.

(b) Nude Model. Any person who, for any consideration whatsoever, engages in nude modeling.

(c) Nude Modeling. The exposing by any person of his or her sexual and/or genital areas. However, nude modeling at or on behalf of any properly accredited institution of higher learning shall not fall within this definition.

(d) Nude Modeling Establishment. Any establishment having a source of income or compensation derived from the practice of nude modeling. A nude modeling establishment includes any establishment which could come under the above description, whether the establishment is called a nude modeling and conversation studio, massage parlor, health club, book store or any other name. However, any properly accredited institution of higher learning shall not fall within this definition.

(e) Massage. Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of the human body with the hands or with any portion of the body or with the aid of any mechanical, electrical or other apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third person on his or her behalf will pay money or give any other consideration or any gratuity therefor. Massage shall also mean the giving, receiving, or administering of a bath to any person, or the application of body paint or other colorant to any person.

(f) Massage Establishment. Any establishment having a source of income or compensation derived from the practice of massage, as defined in subsection (e), and which has a fixed place of business where any person, firm, association, or corporation engages in or carries on any of the activities as defined in subsection (e). A massage establishment includes any establishment which would come under the above description, whether the establishment is called a nude modeling and conversation studio, massage parlor, health club, book store or any other name. However, any properly accredited institution of higher learning shall not fall within this definition.

(g) Individual or partnership applicant's height, weight, color of eyes and hair, and sex.

(h) Copy of identification such as driver's license and social security card.

(i) Two color portrait photographs of the applicant at least three (3) inches by (3) inches. If the applicant is a corporation, two color portrait photographs at least three (3) inches by three (3) inches of all officers and managing agents of said corporation. If the applicant is a partnership, two color portrait photographs at least three (3) inches by (3) inches in size of each partner, including a limited partner in said partnership.

(j) Business, occupation or employment of the applicant for the three (3) years immediately preceding the date of application.

(k) The massage, nude modeling or similar business license history of the applicant; whether such person, in previously operating in this or another city or state has had a business license revoked or suspended in the last five (5) years, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation.

Sec. 7-2. Establishment license required.

It shall be unlawful for any person to engage in or carry out the business of massage or nude modeling unless that person has a valid establishment license issued by the City pursuant to the provisions of this article for each and every separate office or place of business conducted by such person. A person who has a communicable or infectious disease shall not work in any establishment licensed under this article.

Sec. 7-3. Exemptions.

This article shall not apply to the following establishments:

(a) Hospitals, nursing homes, sanitariums or other health care facilities licensed under the State of Indiana.

(b) Barbershops and beauty parlors, licensed under the laws of the State of Indiana, and/or employing licensed barbers or beauty culturists, provided that such massage as is practiced is limited to the head and scalp of the customer or client.

(c) Accredited schools and colleges and not-for-profit corporations organized for educational, literary, scientific, religious or charitable purposes that are exempt from federal taxation under the Internal Revenue Code, and any organization that exclusively provides models for said schools, colleges and not-for-profit corporations.

(d) Establishments holding permits issued pursuant to the alcoholic beverage laws of the State of Indiana.

(e) Establishments owned and operated by body work practitioners and which employ only body work practitioners as massagists.

Sec. 7-4. Application for establishment license.

Every applicant for an establishment license shall file an application under oath with the City of Fort Wayne upon a form provided by the city controller and pay a nonrefundable annual license fee, which shall be five hundred dollars (\$500.00) per year. Copies of the application shall, within five (5) days, be referred to the zoning department, the Department of Safe Housing and Building Standards, the city/county board of health, and the fire department. The departments shall within thirty (30) days after receipt of the application inspect the premises proposed to be operated as a massage or nude modeling establishment, and shall make written verification to the city controller concerning compliance with the codes of the City of Fort Wayne that they administer. The application shall further be referred to the police department for investigation of the applicant's character and qualifications. Each application shall contain the following information:

(a) A definition of service to be provided.

(b) The location, mailing address and telephone numbers where the business is to be conducted.

(c) The name and residence address of each applicant (hereinafter all provisions which refer to applicant include an applicant which may be a corporation or partnership).

(d) If applicant is a corporation, the names and residence addresses of each of the officers and directors of said corporation and each stockholder owning more than ten (10) per cent of the stock of the corporation, and the address of the corporation itself, if different from the address of the massage or nude modeling establishment.

(e) All criminal convictions of applicant for the last five (5) years (or in the case of a partnership, each partner, or in the case of a corporation its manager, officers, directors, and shareholders owning more than ten (10) per cent of the stock of the corporation), other than misdemeanor traffic violations, but including all violations of this article, with the dates of convictions, nature of the crimes and place of conviction.

(f) The name and address of any massage or nude modeling business or other establishment owned or operated by any person whose name is required to be given in subsection (c) wherein the business or profession of massage or nude modeling is carried on.

(g) A description of any other business to be operated on the same premises and a description of any other business to be operated on adjoining premises, owned or controlled by the applicant.

(h) A list of all employees of the establishment, including all massagists, nude models and any and all other employees, with the address, social security number, date of birth, next of kin, and two color portrait photographs at least three (3) inches by three (3) inches of each and every employee.

(i) Authorization for the city, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit.

Upon the completion of the above provided form and the furnishing of all foregoing information and fees, the city controller shall accept the application for the necessary investigations. The holder of an establishment license shall notify the city controller and the Fort Wayne Police Department of each change in any of the data required to be furnished by this section within ten (10) days of the change.

officers and directors, if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a partnership; and the manager or other person principally in charge of the operation of the business, is not over the age of twenty-one (21) years.

(f) The application was not completely filled out or the application was not correctly filled out.

(g) The establishment would not comply with the applicable laws, including but not limited to, the city's building, zoning, and health regulations, and with this article.

(h) Any person has committed, on the premises of the establishment, an act that would constitute prostitution pursuant to the laws of the State of Indiana, or any offense involving narcotics, dangerous drugs, or gambling, whether or not such person has been convicted of such prostitution, narcotics, dangerous drugs or gambling offense under the laws of the State of Indiana.

(i) The establishment or any employee of the establishment has not complied with the provisions of this article.

Sec. 7-7. Hearings and appeals.

(a) Denial of license. Upon the determination by the city controller that a license applied for ought to be issued, a notice shall be sent to the applicant, by certified mail stating the reason for the denial, and advising the applicant of the right to a hearing to appeal the denial and the right to correct any defect in the application or premises.

(b) Hearing on denial of license. When a hearing is requested by an applicant on denial of a license, not less than ten (10) days written notice of such hearing shall be given to the applicant, which notice shall designate the time and place where the hearing will be held.

(c) Revocation or suspension of license. Any license issued under this article may be revoked or suspended by the city controller for the causes listed in this article after notice and hearing.

(d) Hearing or revocation or suspension. When a hearing is set by the city controller in a revocation or suspension procedure the licensee shall receive not less than twenty (20) days written notice, which notice shall contain the charges made, as well as time and place where the hearing will be held.

(e) Rights granted. At a hearing conducted pursuant to this article, the applicant or licensee shall have the right to be represented by counsel, to present witnesses, to testify and cross-examine any other witnesses, and to subpoena witnesses. Proceedings shall be conducted under oath.

(f) Controller presides. The city controller shall preside at the hearing and shall make the final determination.

(g) Adverse decision. If any decision adverse to the applicant or licensee is made by the city controller after the hearing as provided above, the city controller shall provide the applicant or licensee with a written reason for such decision, as well as a notice of the applicant's or licensee's right to appeal to the courts of the State of Indiana.

Sec. 7-8. License location.

(a) Display required. All establishments, licensed under this article, shall display their licenses in a visible location in the establishment for which the license was issued.

(b) Annual term. Licenses shall be granted for an initial term ending May 31, next following the issuance of the license, unless sooner suspended or revoked. Such license must be renewed annually, and any renewal shall be for a term of one year from June 1 to May 31.

Sec. 7-9. Transfer of license.

A licensed establishment may be moved to another location providing:

(a) The location meets all the requirements of this article; and

(b) The city controller is notified in writing a minimum of thirty (30) days in advance of the move.

Sec. 7-10. Facilities necessary.

No license to operate a massage or nude modeling establishment shall be issued unless an inspection by the City of Fort Wayne reveals that the establishment complies with each of the following minimum requirements:

(a) Construction of rooms used for toilets, tubs, steam baths and showers shall be made waterproof with approved waterproofed materials, and shall be installed in accordance with the City of Fort Wayne Building Code. Plumbing fixtures shall be installed in accordance with the city plumbing code.

(1) Steam rooms and shower compartments shall have waterproof floors, wall and ceilings approved by the City of Fort Wayne.

(2) Floors of wet and dry heat rooms shall be adequately pitched to one or more floor drains properly connected to the sewer. (Exception: Dry heat rooms with wooden floors and floor drains)

(3) A source of hot water must be available within the immediate vicinity of dry and wet heat rooms to facilitate cleaning.

(b) The premises shall have adequate equipment for disinfecting and sterilizing nondisposable instruments and materials used in administering massages. Such non-disposable instruments and materials shall be disinfected after use on each patron.

(c) Closed cabinets shall be provided and used for the storage of clean linen, towels, and other materials used in connection with administering massages. All soiled linens, towels and other materials shall be kept in properly covered containers or cabinets, which containers or cabinets shall be kept separate from the clean storage areas.

(d) Toilet facilities shall be provided in convenient locations. When employees and patrons of different sexes are on the premises at the same time, separate toilet facilities shall be provided for each sex. A single water closet per sex shall be provided for each twenty (20) or more employees or patrons of that sex on the premises at any one time. Urinals may be substituted for water closets after one water closet has been provided. Toilets shall be designated as to the sex accommodated therein.

(e) Lavatories or washbasins provided with both hot and cold running water.

(a) It shall be the duty of the city controller through duly authorized representatives to inspect massage and nude modeling establishments from time to time to determine compliance with this article.

(b) Inspections are to be made at reasonable times, with due regard to the nature of the business to be inspected.

(c) Upon showing the proper credentials, the representatives of the city controller, including police officers, shall be entitled to inspect portions of the massage or nude modeling establishment open to the public to determine compliance with this article.

Sec. 7-15. Unlawful acts.

(a) It shall be unlawful for any person, in a massage or nude modeling establishment, to place his or her hand or hands upon, to touch with any part of his or her body, to fondle in any manner, or to massage, a sexual or genital part of any other person.

(b) It shall be unlawful for any person, in a massage establishment, to expose his or her sexual or genital parts, or any portion thereof, to any other person.

(c) It shall be unlawful for any person to allow the sexual or genital parts of patrons of establishment required to be licensed under this article to be exposed when in the presence of an employee, massagist or nude model.

(d) It shall be unlawful for any person owning, operating or managing a massage or nude modeling establishment to cause, allow or permit on the premises of such establishment, any person to perform such acts prohibited in subsections (a), (b), or (c) of this section.

(e) It shall be unlawful for any massage service or nude modeling to be carried on within any cubicle, room, booth, or area within a massage or nude modeling establishment which is fitted with a door capable of being locked.

(f) It shall be unlawful for any person to perform the opposite sex, except upon prescription of a licensed physician, chiropractor, or registered physical therapist.

Sec. 7-16. Name and place of business.

No person granted a license pursuant to this article shall operate the massage or nude modeling establishment under a name not specified in the license, nor shall he conduct business designation or location not specified in his license.

Sec. 7-17. Time limit for filing.

Applications for renewals of licenses not more than sixty (60) days nor less than thirty (30) days prior to termination of an existing license shall be filed.

Sec. 7-18. Violation and penalty.

(a) Any license under this article which is provision thereof shall be subject to license or suspension pursuant to the provisions of this article.

(b) Any person who violates any provision of this article shall be subject to a fine of not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000.00). Each violation is committed or permitted to constitute a separate violation.

Sec. 7-19. Maintaining public nuisance.

Any building used as a massage or nude modeling establishment in violation of this article with constructive knowledge of the owner or the agent of the owner managing such building together with all fixtures and other contents in conjunction with the operation of said building hereby declared to be a public nuisance.

SECTION 3. Severability. Should any provision of this ordinance be declared unconstitutional or invalid, the remainder of said ordinance shall not be affected thereby.

SECTION 4. Pending actions. This ordinance shall not be construed or held to repeal, amend, modify or otherwise affect any ordinance as to any offense committed under a former ordinance or as to any act done, or any forfeiture or punishment so incurred or accrued or claim arising under the former ordinance.

SECTION 5. Current license holders.

All massage establishments licenses issued prior to any repealed ordinance shall not expire on the normal expiration date of May 31, 1987. A new license renewal shall be pursuant to the ordinance. New applicants shall comply with the ordinance.

SECTION 6. This ordinance shall be in effect from and after its passage, and any ordinance in effect prior to its passage, and any ordinance approved by the Mayor and legal publication.

Read the third time in full and on motion seconded by Stier, and duly adopted, passed, PASSED by the following vote:

AYES: Seven
Burns, Eisbart, Henry, Redd, Schrader, Talarico
NAYS: One
Bradbury
ABSTAINED: None
ABSENT: One
GisQuinta
DATE: 3-10-87

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Special Ordinance S-46-87 on the 10th day of March, 1987.

ATTEST:
Sandra E. Kennedy
City Clerk
(SEAL)
Thomas C. Henry
Presiding Officer
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 12th day of March, 1987, at the hour of 2:30 o'clock P.M., E.S.T.

Approved and signed by me this 20th day of March, 1987, at the hour of 1:00 o'clock P.M., E.S.T.

I, The Clerk of the City of Fort Wayne,

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87

Ft. Wayne Common Council
(Governmental Unit)

Allen County, IN

To NEW-SENTINEL Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

1

621

1

623

COMPUTATION OF CHARGES

623 lines, 1 columns wide equals 623 equivalent lines at 450¢ \$ 280.35
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (1.00 for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

\$ 280.35

DATA FOR COMPUTING COST

Width of single column 12.5 picas

Size of type 6 point

Number of insertions 2

Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Judy Sterling

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Trudy Sterling who, being duly sworn, says

that he/she is CLERK of the

NEWS-SENTINEL

a DAILY

newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:

3/27, 4/3/87

Subscribed and sworn to me before this 3rd day of April 19 87

Shelley R. LaRue

Notary Public

Shelley R. LaRue

My commission expires March 3, 1990